IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No.13081 of 2005

Between:

K.Arjun Rao S/o.Rangaiah
R/o.11-2-548/2, Agapura, Nampally Hyderabad.

..... PETITIONER

AND

1 Joint Collector Ranga Reddy District at Lakdikapool, Hyderabad.
2 Assistant Supply Officer Balanagar Circle I Ranga Reddy District, at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the respondent conducting panchanama and seizure is illegal, improper, without power or authority under Law.

Counsel for the Petitioner:MR.V.H.V.R.R.SWAMY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following O R D E R:

Petitioner is the owner of an oil tanker bearing registration No. AP 12 U 3668. The vehicle was hired for transporting white kerosene. Accordingly, the driver of the vehicle loaded what has claimed to be white kerosene oil at Plot No.209/A, HMT Society, Gajularamaram Road, Ranga Reddy District. While so, on 15.06.2005, while the loading was in progress, the Vigilance Officials inspected the premises and vehicle, and seized the petitioner's vehicle on a allegation that it was transporting 12,000 litres of white kerosene which was in fact, blue P.D.S. kerosene which had been detinted by the concerned notified retail shop dealer No.320, and, therefore, that the petitioner's vehicle was in fact engaged and was loaded to illegally transport P.D.S.kerosene.

Under Section 6(A) of the Essential Commodities Act,1955, (for short 'the Act') *inter alia,* a vehicle or other conveyance that seeks to carry an essential commodity which is found to have been dealt with in contravention of the provisions of the Act or the relevant control orders, could be confiscated subject to an option given to the owner of such vehicle or other conveyance to pay in lieu of confiscation a fine not exceeding the market price of the essential commodity as on date of seizure of the essential commodity.

In the circumstances, as the liability of the petitioner (subject to his exercising option) would ultimately be only to the extent of the value of essential commodity seized and as the petitioner herein is agreeable to furnish a bank guarantee for the value of

12,000 litres of kerosene seized on 15.06.2005, the Court disposes of the writ petition with the following directions:

1. the petitioner's vehicle bearing registration No.AP 12 U 3668 shall be released by the first respondent on the petitioner furnishing a bank guarantee in favour of the first respondent drawn on any nationlised bank for the value representing the market value of 12,000 litres of kerosene seized on 15.06.2005;

2. the first respondent is directed to intimate to the petitioner within a week from the date of receipt of a copy of this order, the value of 12,000 litres of kerosene so as to enable the petitioner to furnish a bank guarantee; and

3. on the petitioner furnishing a bank guarantee as permitted above, the petitioner's lorry shall be released.

No order as to costs.

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20.06.2005

usd

To

1 The Joint Collector Ranga Reddy District at Lakdikapool, Hyderabad.
2 The Assistant Supply Officer Balanagar Circle I Ranga Reddy District, at Hyderabad.

3 Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4. Two CD copies.